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PATRIOT SCIENTIFIC CORPORATION

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HTC CORPORATION, et al.

Plaintiffs,

vs.

TECHNOLOGY PROPERTIES LIMITED,
et al.

Defendants.

William Sloan Coats, III, State Bar No. 94864
Mark R. Weinstein, State Bar No. 193043
Kyle D. Chen, State Bar No. 239501
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ATTORNEYS FOR PLAINTIFFS
HTC CORPORATION and HTC AMERICA,
INC.

Case No. 5:08-CV-882 JF

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE HEARINGS ON
MOTIONS TO DISMISS, TRANSFER,
OR STAY AND CASE MANAGEMENT
CONFERENCE**

1 WHEREAS, on February 8, 2008, plaintiffs HTC Corporation and HTC America,
2 Inc. (collectively "HTC" or "Plaintiffs") filed a complaint against defendants Technology
3 Properties Limited ("TPL"), Patriot Scientific Corporation ("Patriot"), and Alliacense Limited
4 (collectively, "Defendants") for declaratory judgment of patent non-infringement and invalidity of
5 U.S. Patent Nos. 5,809,336 ("the ' 336 patent"); 5,784,584 ("the ' 584 patent"); 5,440,749 ("the
6 ' 749 patent"); and 6,598,148 ("the ' 148 patent");

7 WHEREAS, on April 25, 2008, TPL and Patriot filed complaints for patent
8 infringement against HTC for alleged infringement as to the ' 336 patent, the ' 749 patent, and the
9 ' 148 patent in the Eastern District of Texas, Case No. 2-08-cv-172 (DF); as to the ' 584 patent in
10 Case No.2-08-cv-174 (TJW);

11 WHEREAS, on June 4, 2008 Defendants filed a complaint for patent infringement
12 against HTC for alleged infringement as to U.S. Patent No. 5,530,890 ("the ' 890 patent") in the
13 Eastern District of Texas, Case No. 2:08-cv-226 (TJW) (all Texas cases collectively, "the Texas
14 Actions");

15 WHEREAS, on July 10, 2008, Plaintiffs filed a First Amended Complaint against
16 Defendants for declaratory judgment of patent non-infringement and invalidity of the ' 890 patent
17 (Docket No. 34);

18 WHEREAS, the Court entered a Related Case Order determining that the present
19 case and the following two cases pending in this district are related to one another: (1) *Acer, Inc.*
20 *et al v. Technology Properties Limited et al* (C 08-00877 JF); and (2) *ASUSTeK Computer Inc. el*
21 *al v. Technology Properties Limited et al* (C 08-00884 EMC) (Docket No. 21) ("Related
22 Matters");

23 WHEREAS, Defendants in the present action and each of the Related Matters filed
24 motions on April 25, 2008 to dismiss or in the alternative to transfer to the Eastern District of
25 Texas, with all such motions currently set for hearing on August 29, 2008 ("Motions");
26
27
28

1 WHEREAS, the Case Management Conference ("CMC") for the present action
2 and the Related Matters is currently scheduled for August 29, 2008;

3 WHEREAS, Defendants have requested a continuance of the Motions and CMC
4 due to a conflict in scheduling; and

5 WHEREAS, Plaintiffs have agreed to a continuance of the hearing date for the
6 Motions and CMC in the present action and the Related Matters, while the Defendants have
7 agreed to an extension of time for Plaintiffs to respond to the Texas Actions until October 3, 2008;

8
9 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE, AND
10 RESPECTFULLY REQUEST THAT THE COURT ORDER, AS FOLLOWS:

11 The Case Management Conference and the hearings on the Motions in the present
12 action and the Related Matters currently set for August 29, 2008 shall be continued to September
13 19, 2008.

14 Respectfully submitted,

15 Dated: August 6, 2008

THELEN REID BROWN RAYSMAN &
STEINER LLP

17 By: /s/ Robert E. Krebs
Robert E. Krebs

18 Attorneys for Defendants TECHNOLOGY
19 PROPERTIES LIMITED, and ALLIACENSE
LIMITED

20 Dated: August 6, 2008

KIRBY NOONAN LANCE & HOGE

22 By: /s/ Charles T. Hoge
Charles T. Hoge

23 Attorney for Defendant PATRIOT
24 SCIENTIFIC CORPORATION

25 Dated: August 6, 2008

WHITE & CASE LLP

27 By: /s/ Kyle D. Chen
Kyle D. Chen

Attorneys for Plaintiffs HTC
CORPORATION and HTC AMERICA, INC.

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PURSUANT TO STIPULATION IT IS SO ORDERED:

Dated: _____

The Honorable Jeremy Fogel
United States District Judge